

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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FREDERICK H. SMITH,

Civil No. 06-4047 JRT/FLN

Plaintiff,

vs.

**ORDER**

HENNEPIN COUNTY ATTYS, JUDGE  
DIANA EAGON, HENNEPIN COUNTY  
PROSECUTORS, HENNEPIN COUNTY  
ADULT SUPERVISION, MARK WALZ,  
ET AL., MN DOC COMMISSIONERS,  
JOAN FABIAN, ET AL., JEFFERY L.  
PETERSON, WARDEN CHRIST, LYNN  
DINGLE and MN STATE PUBLIC  
DEFENDERS OFFICE, ET AL.,

Defendants.

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Frederick H. Smith, #173720, Minnesota Correctional Facility, 970 Pickett  
Street North, Bayport, Minnesota 55003, petitioner *pro-se*

Thomas R. Ragatz, **OFFICE OF THE MINNESOTA ATTORNEY  
GENERAL**, 445 Minnesota Street, Suite 1800, St. Paul, Minnesota 55101,  
for defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by  
United States Magistrate Judge Franklin L. Noel dated November 16, 2006, all the files  
and records, and no objections having been filed to said Report and Recommendation,

**IT IS HEREBY ORDERED** that:

1. Petitioner's application for a writ of habeas corpus [Docket No. 1] is DENIED;

2. Petitioner's application for leave to proceed *in forma pauperis* [Docket No. 3] is DENIED; and
3. This action is summarily dismissed without prejudice.

DATED: December 18, 2006  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge